



EPA Approves the Assiniboine and Sioux (Fort Peck) Tribes' Class II Underground Injection Control Program in Montana

What is EPA's decision?

The U.S. Environmental Protection Agency (EPA) is announcing the approval of the Fort Peck Tribes' Underground Injection Control (UIC) program. As a result of this action, the Fort Peck Assiniboine and Sioux (Fort Peck) Tribes of Montana are authorized to administer and enforce their own Class II (oil and gas-related) injection well program under the Safe Drinking Water Act (SDWA). EPA's decision is based on careful and extensive legal and technical review of the Tribes' primary enforcement or "primacy" application, all public comments received, and other relevant information.

How did the Fort Peck Tribes obtain EPA's approval?

Indian tribes may apply for primacy for the UIC program if they meet specific eligibility criteria and administrative and programmatic conditions. EPA has determined that the Fort Peck Tribes are eligible to apply for primacy, that the Tribes' Class II UIC program meets all applicable requirements for approval under SDWA Section 1425, and that the Tribes are capable of administering an effective Class II UIC program in a manner consistent with the SDWA and all applicable regulations. The Tribes' qualified UIC program staff has been conducting compliance inspections of Class II injection wells under a Direct Implementation Tribal Cooperative Agreement with EPA.

What activities will the Tribes regulate to protect groundwater?

Effective November 26, 2008, the Assiniboine and Sioux Tribes will regulate all existing and future Class II injection wells located within the exterior boundaries of the Fort Peck Indian Reservation. EPA has determined that the Tribes' UIC program fulfills federal regulatory requirements to allow the safe disposal of these fluid wastes into the subsurface in a manner that does not endanger current or future underground drinking water sources. The 24 Class II injection wells currently operating on the Reservation are used to safely dispose of fluid wastes (e.g., brines) brought to the surface during oil production. Almost all of these wells are owned and operated by Tribal non-members.

The Tribes' Class II UIC regulations are specifically designed to protect underground sources of drinking water. When oil and gas are extracted, large amounts of brine are typically brought to

the surface. Often saltier than seawater, these fluid wastes typically contain high levels of salts (total dissolved solids) and also may contain toxic metals and potentially hazardous petroleum hydrocarbons such as benzene and toluene. By injecting the brine deep underground, Class II wells prevent surface contamination of soil and water.

Under the UIC program, the Tribes will permit, monitor, and enforce regulations to ensure injection wells are designed and maintained properly and that fluid disposal occurs in confined subsurface locations with no connection to existing and potential drinking water sources.

In addition to the safe subsurface disposal of fluid wastes associated with oil and gas production, Class II wells may also be used to inject fluids to enhance oil and gas recovery or for the storage of hydrocarbons. The Tribes' UIC regulations cover all of these activities by requiring that oil and gas lease owners and operators maintain the mechanical integrity of their injection wells and adequately confine injected fluids in the subsurface. In general, EPA considers Class II injection to be an environmentally preferable alternative to discharging oil and gas-produced waste fluids to surface waters or pits.

How can I get more information?

The Federal Register publication date of the final rule, "Fort Peck Assiniboine and Sioux Tribes in Montana; Underground Injection Control (UIC) Program; Primacy Approval and Minor Revisions" is October 27, 2008. The rule and other supporting information can be accessed via the web at www.regulations.gov. The public can also visit the EPA Region 8 UIC program's web site at: <http://www.epa.gov/region8/water/uic> or contact Douglas Minter by email at minter.douglas@epa.gov or by phone at 303-312-6079.

For more on EPA's UIC program and Class II wells, visit:
http://www.epa.gov/safewater/uic/wells_class2.html